

FL-115

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Mark A. Price, Esq.</b> <b>Law Office of Mark A. Price</b> <b>2730 Lone Tree Way, Suite 5</b> <b>Antioch, CA 94509</b> <b>TELEPHONE NO.: (925) 757-3535</b> <b>E-MAIL ADDRESS (Optional):</b> <b>ATTORNEY FOR (Name): Joshua Shavies</b>		161033  [REDACTED]  2011 AUG 12 1 P 2:05  SUPERIOR COURT OF CALIFORNIA, COUNTY OF Contra Costa STREET ADDRESS: 751 Pine Street MAILING ADDRESS: P.O. Box 911 CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME:	FOR COURT USE ONLY  COURT COURT C Green
PETITIONER: Joshua Shavies		RESPONDENT: [REDACTED]	CASE NUMBER:
<b>PROOF OF SERVICE OF SUMMONS</b>		D14-03537	

1. At the time of service I was at least 18 years of age and not a party to this action. I served the respondent with copies of:

- a.  Family Law—Marriage: *Petition—Marriage* (form FL-100), *Summons* (form FL-110), and blank *Response—Marriage* (form FL-120)
 

—or—
- b.  Family Law—Domestic Partnership: *Petition—Domestic Partnership* (form FL-103), *Summons* (form FL-110), and blank *Response—Domestic Partnership* (form FL-123)
 

—or—
- c.  Uniform Parentage: *Petition to Establish Parental Relationship* (form FL-200), *Summons* (form FL-210), and blank *Response to Petition to Establish Parental Relationship* (form FL-220)
 

—or—
- d.  Custody and Support: *Petition for Custody and Support of Minor Children* (form FL-260), *Summons* (form FL-210), and blank *Response to Petition for Custody and Support of Minor Children* (form FL-270)
 

and

e.  (1)  Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105)  
 (2)  Completed and blank *Declaration of Disclosure* (form FL-140)  
 (3)  Completed and blank *Schedule of Assets and Debts* (form FL-142)  
 (4)  Completed and blank *Income and Expense Declaration* (form FL-150)

(5)  Completed and blank *Financial Statement (Simplified)* (form FL-155)  
(6)  Completed and blank *Property Declaration* (form FL-160)  
(7)  Request for Order (form FL-300), and blank *Responsive Declaration to Request for Order* (form FL-320)  
(8)  Other (specify):

2. Address where respondent was served:

Law Offices of Robert A. Dimino

39510 Paseo Padre Parkway, Ste 190  
Fremont, CA 94538

Flower Foster

CONTROLLED DOCUMENT  
Office of the Sheriff  
Contra Costa County

3. I served the respondent by the following means (check proper box):

a.  Personal service. I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (date): 8/12/14 at (time): 11:40 AM

b.  Substituted service. I left the copies with or in the presence of (name): \_\_\_\_\_ who is (specify title or relationship to respondent):

- (1)  (Business) a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.
- (2)  (Home) a competent member of the household (at least 18 years of age) at the home of the respondent. I informed him or her of the general nature of the papers.

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PETITIONER: Joshua Shavies	CASE NUMBER:
RESPONDENT: [REDACTED]	D14-03537

3. b. (cont.) on (date): at (time):  
 I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date):  
 A declaration of diligence is attached, stating the actions taken to first attempt personal service.

c.  Mail and acknowledgment service. I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on (date): from (city):  
 (1)  with two copies of the *Notice and Acknowledgment of Receipt* (form FL-117) and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt* (form FL-117).) (Code Civ. Proc., § 415.30.)  
 (2)  to an address outside California (by registered or certified mail with return receipt requested). (Attach signed return receipt or other evidence of actual delivery to the respondent.) (Code Civ. Proc., § 415.40.)

d.  Other (specify code section):  
 Continued on Attachment 3d.

4. The "NOTICE TO THE PERSON SERVED" on the *Summons* was completed as follows (Code Civ. Proc., §§ 412.30, 415.10, 474):

a.  As an individual or  
 b.  On behalf of respondent who is a:  
 (1)  minor. (Code Civ. Proc., § 418.60.)  
 (2)  ward or conservatee. (Code Civ. Proc., § 418.70.)  
 (3)  other (specify):

5. Person who served papers

Name: Robert Staker  
 Address: 935 Buckskin Terrace  
 Brentwood, CA 94513

Telephone number: (925) 628-1679

This person is

a.  exempt from registration under Business and Professions Code section 22350(b).  
 b.  not a registered California process server.  
 c.  a registered California process server:  an employee or  an independent contractor  
 (1) Registration no.: 602  
 (2) County: Contra Costa  
 d. The fee for service was (specify): \$

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 Contra Costa County

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*CR*

6.  I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

-or-

7.  I am a California sheriff, marshal, or constable, and I certify that the foregoing is true and correct.

Date: 8-12-14

Robert Staker

(NAME OF PERSON WHO SERVED PAPERS)

(SIGNATURE OF PERSON WHO SERVED PAPERS)

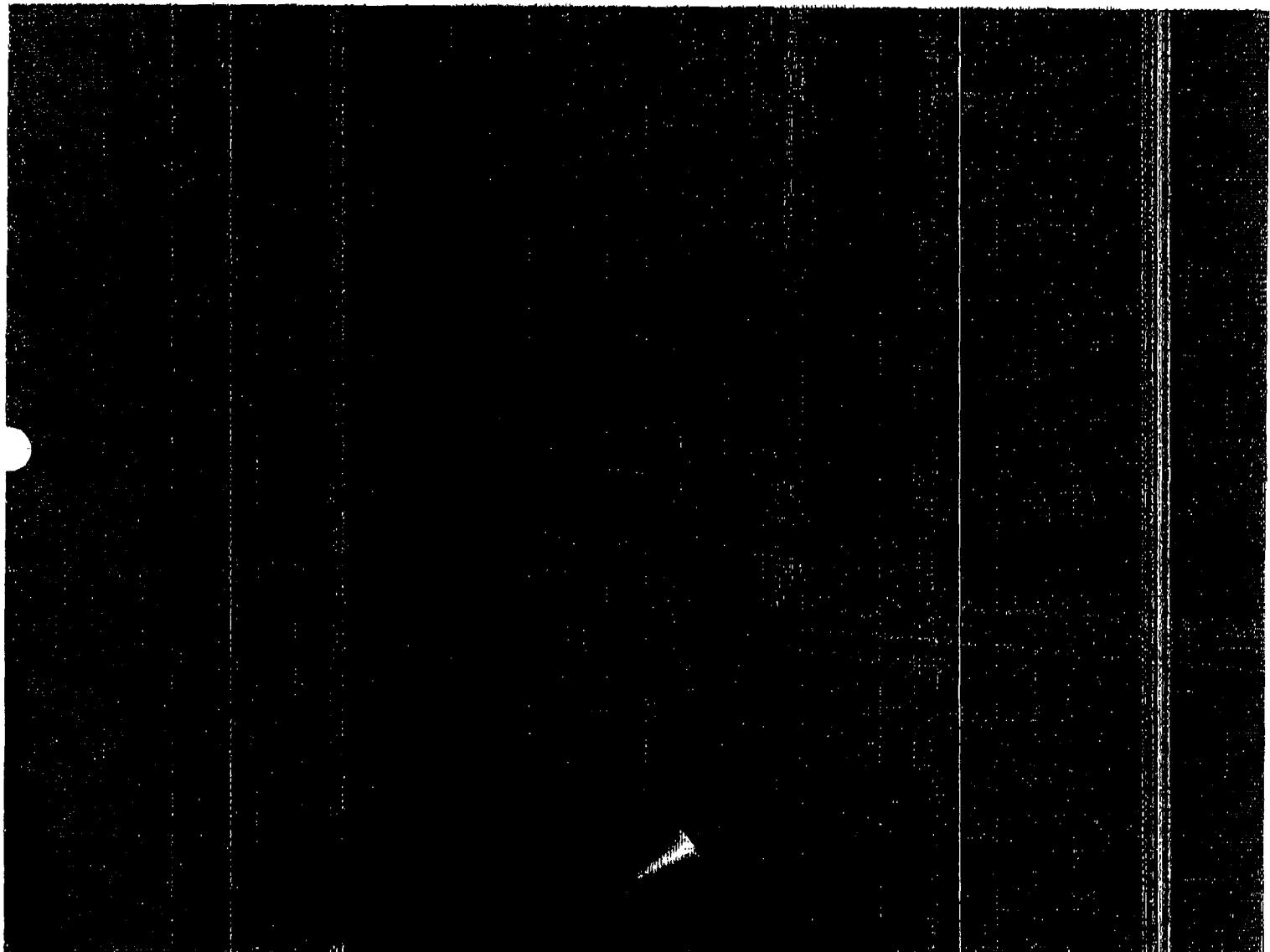


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Or

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Contra Costa County

DEC - 9/2014

ON



# Attachment

4

My name is [REDACTED] and I reside at [REDACTED], in [REDACTED]. I am Josh and [REDACTED] Shavies' next-door neighbor.

When [REDACTED] arrived at her residence on August 9<sup>th</sup>, she learned that her house key did not work to unlock her front door. She was able to use it to unlock the side entry door into her garage, but was not able to use it on any of the interior doors to get into the house. Obviously, the locks to the residence had been changed without [REDACTED] knowledge or authorization. [REDACTED] assumed Josh changed the locks to be spiteful and try to prevent her from retrieving her belongings. I assisted [REDACTED] in opening an unlocked window to get into her residence.

According to [REDACTED] and from what I observed, Josh's belongings were already removed from the house, except for some garbage left behind. On Saturday, August 9<sup>th</sup> and Sunday, August 10,<sup>th</sup> I periodically assisted [REDACTED] with packing some of her items in her home. When [REDACTED] packed up her truck and left her residence on Sunday August 10, 2014, she was not able to fit all of her items and furniture in her vehicle, so she was forced to leave some behind. While I was at [REDACTED] residence, she explained that she was going to be forced to sell an elegant dining room set, which was passed down to her by her mother and father. I really liked this furniture set and I agreed to pay [REDACTED] \$700 to purchase the set. I gave [REDACTED] \$100 in cash and she agreed that I would pay her the remaining \$600 the following week. [REDACTED] was also selling a four-piece leather, reclining home-theatre chair set. I called my daughter, [REDACTED] who agreed she would purchase the chairs from [REDACTED] for \$400. [REDACTED] told my daughter and me that if either of us changed our mind about purchasing the furniture items, that would be okay. My plan, at that time, was to retrieve the furniture from [REDACTED] house on either that Monday or Tuesday (August 11<sup>th</sup> or 12<sup>th</sup>) when my son-in-law would be available to help.

[REDACTED] expressed to me that she was nervous about leaving any of these items behind, because of how vindictive Josh's behavior had been. I know from previous incidents [REDACTED] has shared with me, that she is scared of Josh and the things he is capable of. She worried he would be upset because she was able to enter the house (even though she had every right to), and feared he would damage any of her belongings that

she wasn't able to get. For this reason, [REDACTED] attached a note to the dining room table and to the set of home-theatre chairs. The notes mentioned the items had been sold and not to remove the items. I saw [REDACTED] place these notes on the items prior to her leaving. I was with [REDACTED] when she locked up the house and left on Sunday, August 10<sup>th</sup>. [REDACTED] shut and locked all of the windows and exterior doors to the house. [REDACTED] gave me her key to enter through the side garage door, (which she locked before she left). I also knew the code to operate the roll-up garage door, as I have watched over the house in the past, for [REDACTED]. [REDACTED] left the interior garage door (into the house) unlocked, but without a key or access into the garage, no one would be able to enter the house, without "breaking in."

I spoke with [REDACTED] on Monday, August 11<sup>th</sup>, 2014 a couple of times. [REDACTED] asked me to go into her residence and retrieve her son's toy workbench, which she was unable to fit in the load she took the day before. She was concerned that Josh would try to destroy or take this toy workbench, which she originally purchased for her son. I got busy, and did not get a chance to retrieve the workbench that day.

On Tuesday, August 12<sup>th</sup>, 2014, I went to [REDACTED] house between 9:30 and 10:00 am. I input the code and opened the garage roll-up door. I then entered the house through the interior garage door. I saw the dining room set, and it was just as [REDACTED] had left it on Sunday, August 10<sup>th</sup>. I went upstairs in the residence and retrieved the toy workbench, which was located in the upstairs family room, near the home-theater chairs, which were still as [REDACTED] left them. When I left the residence, I exited out of the interior garage door and then closed the garage roll-up door when I left. I watched the garage roll-up door close completely, and I returned to my residence with the workbench I retrieved.

About an hour or so later, I saw Josh's white SUV parked in Josh and [REDACTED] driveway. This was the first time I saw any vehicle at their house, since [REDACTED] left on Sunday, August 10<sup>th</sup>. I quickly left my residence to go over to the house. I was going over to their house to tell Josh that I purchased the dining room set and home-theatre chairs from [REDACTED] and I was planning on getting them that evening. ([REDACTED] told me she had recently agreed to allow Josh "exclusive use" to the house once she could get her stuff out. On Monday, August 11<sup>th</sup>, [REDACTED] told

me she had not received any court orders indicating this went into effect yet. She did suggest if I saw Josh, I should attempt to let him know I purchased and would be getting the furniture). The garage roll-up door was closed, and I walked to the front of the residence. I walked through the courtyard entry door (which was unlocked, and to my knowledge, is usually left unlocked as it only provides access to the perimeter of the house). As I started to walk through the courtyard toward the front door of the home, I saw Josh inside the dining room. There is a large window in the dining room (which doesn't contain any window coverings) that is directly across from the courtyard entry door. I stopped walking as soon as I saw Josh. I could clearly see through the window and I saw Josh pick up a dining room chair and I saw and heard him forcefully slam in onto the ground! At the same time I heard Josh yelling profanities. Josh was facing sideways (the left side of his body was facing me) and I feared that he would see me. I was scared and I turned to run back out of the courtyard entry door. As I turned, I heard the sound of what sounded like glass shattering. I ran home and tried to call [REDACTED], but could not reach her. I wanted to call the police, but I was so nervous to get involved without speaking to [REDACTED] first. Over the past year and a half, I had become familiar with Josh's temper through overhearing his yelling from my residence, which is in close proximity to their house, so I am definitely intimidated by him. I was scared that if he had in fact seen me and knew I called the police, he would retaliate against my property or me. I kept trying to call [REDACTED] and she finally called me back. She suggested I not go back near the residence and not try to approach Josh and not to open my door if he came to my residence. [REDACTED] also worried Josh would retaliate against me if I called the police, and she wasn't sure what the police could even do.

[REDACTED] was upset by what I told her and told me she was going to call her attorney. I closed my front window coverings to my home in the event Josh came to my residence, and I remained inside until my husband came home about an hour later. I had already called him and told him what happened and he told me not to leave the house until he got home.

After my husband returned, he and my brother went with me to [REDACTED] house. Josh's vehicle was no longer parked at their residence. We entered through the garage roll-up door to enter the residence. When we got inside the house, we saw the dining room furniture had

been damaged. Four of the six dining room chairs were broken into pieces. The glass doors on the dining room china hutch were shattered. We walked around the inside of the house and saw that the movie-theatre chairs had been pulled apart from each other and broken, and the leather on the backs of two of the chairs was ripped as if someone kicked them in. My brother took several pictures of the vandalized furniture.

I secured the house and we went back home. I called [REDACTED] and informed her of the damage. [REDACTED] was very upset, as was I. [REDACTED] asked me to forward the pictures to her so she could get them to her attorney. [REDACTED] also told me her attorney's office was served that day, with the court order permitting Josh the exclusive use of the residence.

I was so bothered by Josh's malicious actions, that I wanted to report them, regardless of how intimidated I was of Josh. I told [REDACTED] I would go to court with her and testify to what I saw, if I needed to, because Josh should not be allowed to do this. [REDACTED] advised me to document what I saw and she would let her attorney handle it. I did so.

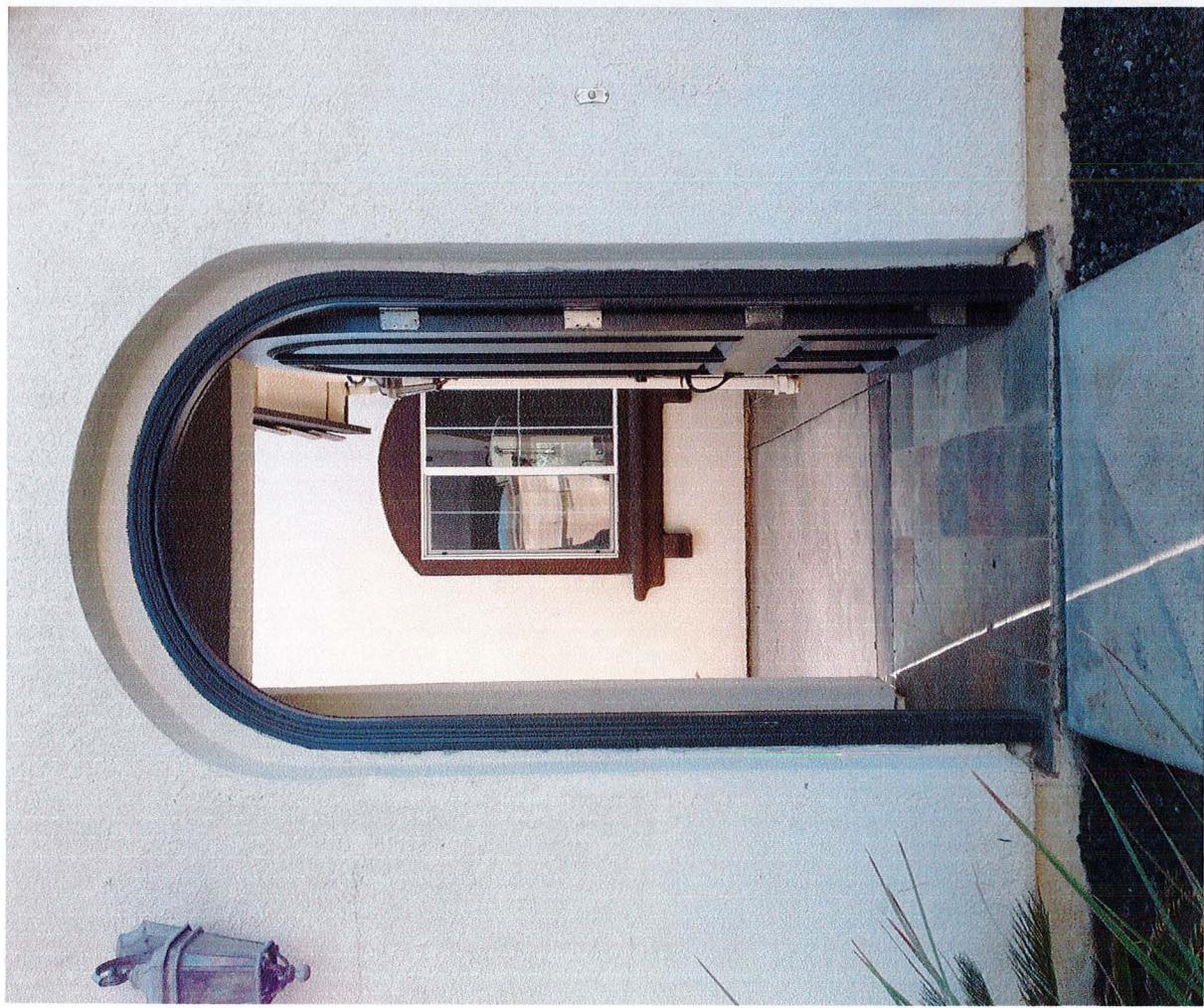
I later learned that Josh filed a false police report indicating "somebody" broke into their home and vandalized these furniture items. He also indicated he believed [REDACTED] was the one who committed these malicious acts. This was appalling to me, as Josh is a sworn police officer, and blatantly made a false police report to cover his own crime.

The above statement is true and correct to my knowledge.

[REDACTED]  
[REDACTED]

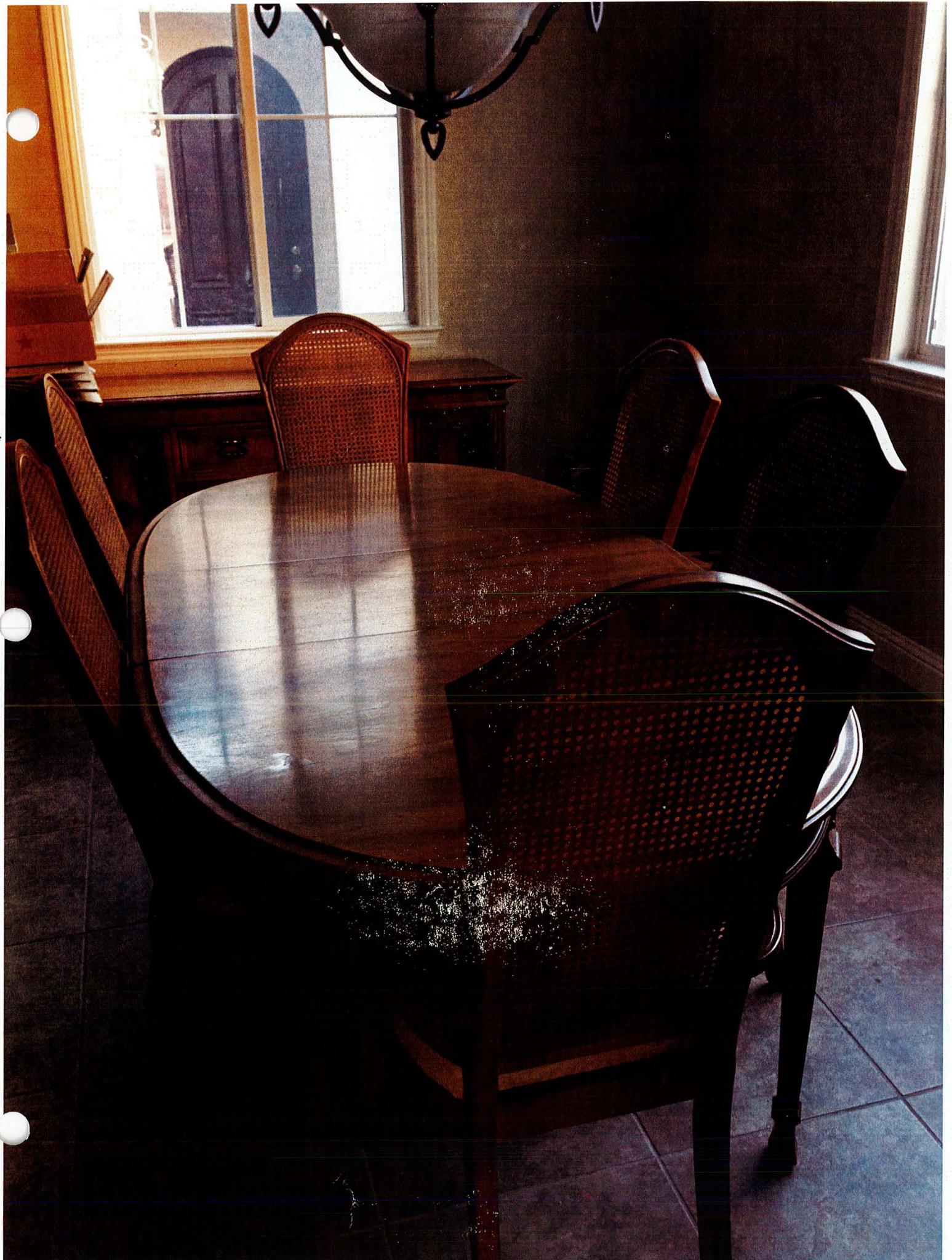
[REDACTED]



























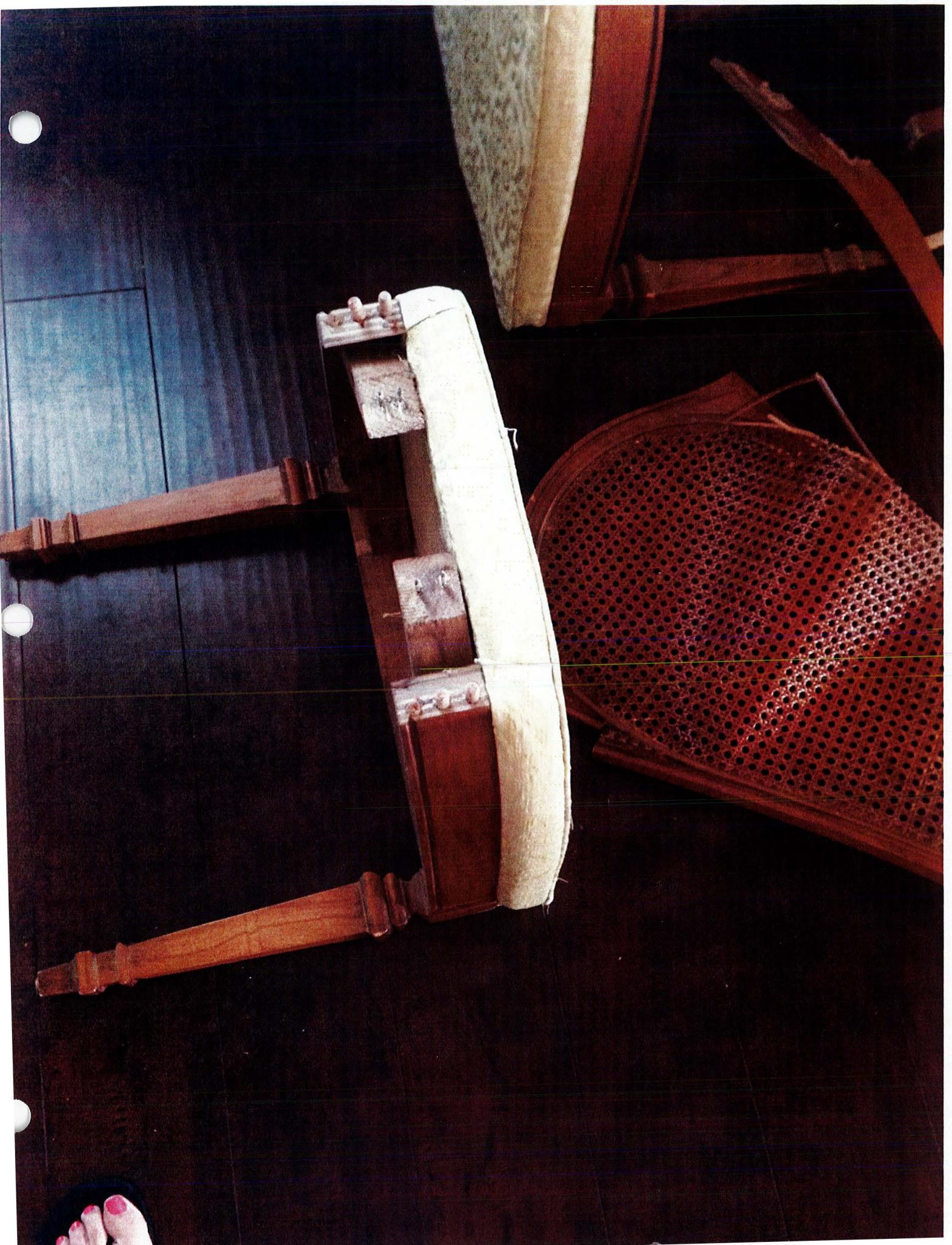












These  
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# Attachment

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CAT



# Attachment

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CRIMINAL



# Attachment

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CBL



# Attachment

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## INTERVIEW WITH

**Q=Sgt. Daniel Baer**

**Q1=Dep. (Lauren Tucker)**

A=

13 Sgt. Baer: Okay, it's, ah, December 10th, 2014, ah, the time is 1018 hours. I am  
14 Sergeant, ah, Baer of the Alameda County Sheriff's Office Internal Affairs  
15 office. I am at - what's the address here?

19 Sgt. Baer: And I am here with, ah, Deputy (Lauren Tucker), also with Internal Affairs  
20 and we will be interviewing, um, [REDACTED]. Um...

24 Sgt. Baer: Okay, um, before we went on tape we talked about a few things that we would  
25 be talking about, ah, during this interview [REDACTED]

28  
29 [REDACTED]  
30 [REDACTED]  
31 [REDACTED]  
32 [REDACTED]  
33 [REDACTED]  
34 [REDACTED]  
35 [REDACTED]  
36 [REDACTED]  
37 [REDACTED]  
38 [REDACTED]  
39 [REDACTED]  
40 [REDACTED]  
41 [REDACTED]  
42 [REDACTED]  
43 [REDACTED]  
44 [REDACTED]  
45 [REDACTED]

1125

1126 [REDACTED]

Okay.

1127

1128 Sgt. Baer:

Yeah.

1129

1130 [REDACTED]

So, um, again, if I have my dates right, I think on August 9th, um, I came out there, um, I'm just gonna pull up my calendar so I...

1132

1133 Sgt. Baer:

Sure, go ahead.

1134

1135 [REDACTED]

...can make sure it's correct.

1136

1137 Dep. Tucker:

But at that point you were living in [REDACTED]

1138

1139 [REDACTED]

Yeah, I mean, just recently before that I had come out to [REDACTED] to stay, I had been moving my stuff. Um, yeah, earlier that week, so I had, Josh and I were both out there moving stuff. Unfortunately, I went to move one day and he already had a moving truck and had moved most of my furniture already into his truck. Um, and I couldn't get access to it, he had movers and, um, so, you know, that's a civil issue and a side note, I know. But, um, so I went to the house, I believe on and I can confirm this but I believe Thursday, the 7th or f- no, Friday, the 8th, maybe. And I went there and I was going to get the rest of my stuff that I left that I couldn't get the day I went out a few days prior, um, and I couldn't get everything 'cause I just had a pickup truck at the time. Um, so I came out to get specifically, um, a, ah, I was either going to get it or - or figure out what to do, sell the stuff, but, um, I had a dining room set there and some movie theater chairs, specifically is what I'll refer to in regards to this furniture incident. Um, or no, I'm sorry, I didn't come out to get those items. I came out to get a whole bunch of stuff, which I spent, um, from Friday to Sunday there at the house just consistently, um, you know, I stayed over there. He was not there. I knew that he was gonna be going out of town, um, with his new girlfriend or ex-wife and - and kids for the weekend because I had seen something, um, on the computer that they were looking for hotels in Monterrey, um, for the weekend. So I thought this is a good time, you know, I don't have to be bothered by him and I'll just try and get my stuff packed up. So I spent, y- you know, that time, ah, you know, in the house just packing up miscellaneous items. I loaded up, um, the pickup truck with everything I possibly could. I mean, it was overflowing but I could not get the dining room set, I could not get the movie theater, um, home theater chairs and then a few miscellaneous other items. Um, and my neighbor, when I first got there, I couldn't get in the house, he changed the locks. Um, you know, it was already determined by the courts that he had no right to do that and, um, it's just something he did to make it inconvenient for me. His items, everything of his was moved out of the house already by that time. Everything was gone except for maybe some garbage or miscellaneous

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1170 unwanted, um, a few items laying around here and there. But - but as far as  
1171 all of his furniture, all of his belongings, everything were gone. Um, it was  
1172 just my stuff. So the inconvenience of the locked door to get my own stuff,  
1173 um, you know. So I, there was an unlocked window, my neighbor, um, I  
1174 asked her for her ladder so I could get in, um, and I - I was able to get in the  
1175 house and, you know, unlock the doors and I - I stayed. Um, like I said, over  
1176 those next, um, couple of days. And, um, packed up my stuff, left there on  
1177 Sunday morning, um, and I was a little concerned, there was like a train set, I  
1178 think, and a little work bench that I was, they were my son's and, um, I - I just  
1179 I was wor- I didn't wanna leave those behind, I wanted - 'cause I had  
1180 purchased them, I wanted to make sure I got them and nothing happened.  
1181 Um, and Josh had already broken up a lot of my stuff, just out of anger, um,  
1182 over the course of this move out period. So I was a little worried about having  
1183 to leave that furniture behind but I didn't have any choice. So anyway, while I  
1184 was there my neighbor came over and, um, this dining room set had some  
1185 sentimental value, it was my mother and father's from when they were  
1186 married, um, from a long time ago and, um, I said, I'm, you know,  
1187 overflowing, my storage is full, you know, I'm staying at my dad's house, I  
1188 don't know what to do, I don't really wanna sell it but I - I had posted it on,  
1189 um, Craigslist and, um, my neighbor said, you know, "It's - it's a beautiful set,  
1190 I - I would love to take it," you know, "I'll - I'll take care of it," and, um, she  
1191 offered me, I don't, I think it was like \$600 and, um, I said okay. But we  
1192 couldn't move it at the time, she didn't have help to move it and I needed to  
1193 get out of there so I said, "Okay, it's done." And before I left, I wrote a note  
1194 and I put, um, these furniture items are, um, you know, sold or - or waiting to  
1195 be picked up, please don't bother them. And I did that because, like I said,  
1196 when I came over there he had already taken, I had some picture frames and  
1197 pictures, ripped them all up into little tiny pieces and threw them all over.  
1198 Um, broke up some picture frames, um, just had been malicious already and I  
1199 just thought I wanna make it clear that I am coming back for these, you know,  
1200 or someone else will be, don't bother them. I did that for that dining set table  
1201 and the furniture around it and, um, I did it for the home theater chairs which  
1202 were in a different part of the house upstairs. Um, I then, um, I had been in  
1203 communication with my neighbor, um, you know, during this...  
1204

1205 Sgt. Baer: And your neighbor is [REDACTED]

1206  
1207 [REDACTED] Oh, I'm sorry, yeah. Her name is [REDACTED]

1208  
1209 Sgt. Baer: Mm-hm.

1210  
1211 [REDACTED] And, um, she lives directly next door.

1212  
1213 Sgt. Baer: Okay.

1214

1215 [REDACTED]  
1216 And, um, I had been in communication with her, um, you know, quite a bit  
1217 during this time because she had kind of seen just the struggles, just me trying  
1218 to get in the house and then, um, she had heard a lot of yelling, you know,  
1219 from Josh and, um, was just concerned for me. And, um, she was in a abusive  
1220 marriage years ago and she was always asking if I was okay and, um, you  
1221 know, just concerned with the situation just from what she was hearing and  
1222 seeing. Um, so anyhow, I - I talked to her, you know, periodically after I left  
1223 Sunday morning and she had helped me, you know, she was - sh- sh- sh- she's  
1224 a little bit older but sh- I didn't have anyone else out there I was by myself  
1225 trying to load up this truck and, I mean, I had to hook my Jet Ski up and do all  
1226 this stuff trying to get out of here and so she would do everything she could  
1227 intermittently, she'd stop by, you know, just run in next door and just check on  
1228 me or whatever over that couple of days. So I left there and I think that I  
1229 talked to her maybe, um, I don't know if I talked to her again on Sunday or  
1230 Monday but, um, I called her, um, it was either the train set or, um, this  
1231 workbench toy thing that my son had that she was gonna help me with a  
1232 garage sale. Um, you know, that weekend or the next weekend and I said,  
1233 "Can you get, go over there and get, you know, that workbench," it must have  
1234 been. Um, I know she's broughten both things to me, that, so I don't know  
1235 which one at the time it was, but I think it was the workbench. Can you get it  
1236 out of the house for me and, you know, then when you come next Saturday for  
1237 my garage sale or whatever I can, you can bring it out here in case I don't  
1238 make it back out there for any reason. And at that point I didn't really see any  
1239 reason I needed to go back except for to facilitate making sure she was able to  
1240 get that dining room set, oh, and her daughter was going to buy the home  
1241 theater chairs that were upstairs.

1242 Sgt. Baer: Mm-hm.  
1243 [REDACTED]

1244 Um, and, ah, you know, he daughter wanted to measure and do all these other  
1245 things but she was pretty sure gonna take them and I was fine with that. So  
1246 moving forward, um, so on, I think I talked to her Sunday about getting that,  
1247 um, that toy out of there. Sunday or Monday to get it and then I don't know  
1248 that I talked to her again, but then Tuesday morning at some point I got, um, I  
1249 don't know when I got the phone call. Um, I think I got a message from her  
1250 and, um, I've even explained to her, I don't really use my home phone very  
1251 much, it's, um, kind of like to dial 9-1-1 or emergency purposes, but, um,  
1252 during all this moving and chaotic time my battery would die often on my cell  
1253 phone so my neighbor, um, has my home number. And so on Tuesday  
1254 morning or Tuesday early afternoon, I don't know if she was trying to get a  
1255 hold of me and I wasn't here. So, um, I got a message from her, um, and I  
1256 don't know, I - I called her back and, um, she was pretty frantic. Um, and I  
1257 guess she had went to the house, ah, a couple of hours earlier, maybe an hour  
1258 or so before I even was able to talk to her. And Josh, she saw Josh breaking  
1259 up furniture at my house and was, you know, pretty panicked about it. Um...

1260

1261 Dep. Tucker:

Saw him through a window or saw him where?

1262

1263 [REDACTED]

Oh, so she went - she, ah, and she made a statement so I probably should have kind of refreshed my memory before trying to explain, but so I guess she came out of her house and went over to our house. And I did put some pictures there to just show...

1267

1268 Sgt. Baer:

Mm-hm.

1269

1270 [REDACTED]

...you can go through our front entry door, which is 99% of the time unlocked because it doesn't provide any access other than just going into the courtyard. And, ah, or around the house. Um, and so she went through the entry door and her intention was just to go over there and try to make peace with Josh and just say, you know, I'm gonna get these chairs, conveniently can you maybe either like leave the door open, unlocked. She had, um, access, by the way, to our house through our garage code. Um, you can press a code and it open the garage door which then can let you in the interior of the house.

1278

1279 Dep. Tucker:

You didn't have that door locked in between the interior of the house and the garage?

1281

1282 [REDACTED]

No, so...

1283

1284 Dep. Tucker:

No?

1285

1286 [REDACTED]

I'm sorry, going back now.

1287

1288 Sgt. Baer:

How...

1289

1290 [REDACTED]

With...

1291

1292 Sgt. Baer:

How come you didn't use that when you first got there, why'd you need the ladder then?

1293

1294 [REDACTED]

Oh, I did. I - I was able to get in but the door was locked. So...

1295

1296

1297 Dep. Tucker:

The kitchen door?

1298

1299 [REDACTED]

So let me go back. So when I first got to the house I un- I opened the garage door...

1300

1301

1302 Sgt. Baer:

Okay.

1303

1304 [REDACTED]

...and then this was going back, you know, the weekend...

1305  
1306 Dep. Tucker: Yeah.  
1307  
1308 [REDACTED] I opened the roll up door and then I was not able to get inside the house, that  
1309 lock was changed.  
1310  
1311 Sgt. Baer: Got you, okay. Okay.  
1312  
1313 [REDACTED] Um, also, I don't know if this will come up or not, but the side door into the  
1314 garage, he didn't change the locks to there so he allowed me access into the  
1315 garage, still, for whatever reason, there was nothing in the garage that I  
1316 needed but...  
1317  
1318 Sgt. Baer: Mm-hm.  
1319  
1320 [REDACTED] ...I couldn't get in the house.  
1321  
1322 Sgt. Baer: The house, okay.  
1323  
1324 [REDACTED] So what I did when I was there, though, um, was I took that lock off.  
1325  
1326 Sgt. Baer: Okay.  
1327  
1328 [REDACTED] Two screws, I just took the lock off so that there wasn't anything there and  
1329 that the door could just, you know...  
1330  
1331 Sgt. Baer: What did you do with that lock?  
1332  
1333 [REDACTED] ...open. Um, I just put it in a drawer in the kitchen.  
1334  
1335 Sgt. Baer: Is that still there, probably?  
1336  
1337 [REDACTED] Um, I ended up putting it back on at a later time.  
1338  
1339 Sgt. Baer: Oh, you did?  
1340  
1341 [REDACTED] But, um, but yeah, it was - it was there.  
1342  
1343 Sgt. Baer: Mm-hm.  
1344  
1345 [REDACTED] I didn't break anything, I didn't, you know, I just took it off so that I could  
1346 make sure I had access back into my house.  
1347  
1348 Dep. Tucker: Okay, so back to how she saw him breaking furniture.  
1349

1350 [REDACTED] Okay, so, um, so she went over to the house, she went into the...

1351

1352 Dep. Tucker: Courtyard.

1353

1354 [REDACTED] ...front door, the courtyard area. And as soon as you walk in the courtyard

1355 there's a big window right there and it's right...

1356

1357 Dep. Tucker: Okay.

1358

1359 [REDACTED] ...into the dining room. So, um, she said she saw his truck in the driveway and

1360 the - the garage door, I think she said was closed. And so she went, you

1361 know, around to the front and, um, and as soon as she walked in the door...

1362

1363 Sgt. Baer: She went through that courtyard door?

1364

1365 [REDACTED] Yeah, just through the courtyard door.

1366

1367 Sgt. Baer: Mm-hm.

1368

1369 [REDACTED] And you have to go through there just to get to the front door to knock or ring

1370 the bell...

1371

1372 Sgt. Baer: Mm-hm.

1373

1374 [REDACTED] ...or whatever. And, um, she said that she saw him in there smashing a chair.

1375 And so I asked her, I said, I mean, "Did you see him standing over it or

1376 what?" And she said, "No, I walked in and I saw him slamming," and for

1377 whatever reason, that house, I don't know if it's maybe the windows

1378 themselves or the insulation but you can hear a lot. I mean, I say that 'cause

1379 I've mentioned she's heard a lot of what's going on...

1380

1381 Sgt. Baer: Mm-hm.

1382

1383 [REDACTED] ...there just by being next door. It's really quiet out there for one and then I - I

1384 don't know, the house just kind of, you can hear a lot. So, um, she said, you

1385 know, she could hear it and she saw him pick up one of the dining chairs,

1386 clearly in the dining room right there, and drop it to the ground. Um, and then

1387 I guess she got scared, she's already very intimidated by him and she...

1388

1389 Sgt. Baer: How old is she?

1390

1391 [REDACTED] ...I'd say 60, maybe a little, I don't know. In her 60s.

1392

1393 Sgt. Baer: In her 60s?

1394

1395 [REDACTED]  
1396 Yeah. Um, so anyway, she said she turned around and, um, and left and she  
1397 thought he saw her. So she was paranoid and, um, you know, I asked her why  
1398 she didn't call the police but she didn't wanna call the police knowing our  
1399 situation and she was just kind of afraid.

1400 Sgt. Baer: Did she call you right away?

1401 [REDACTED]  
1402 Oh yeah, she, well she attempted to on the...

1403 [REDACTED]  
1404 Sgt. Baer: And that was the house phone?

1405 [REDACTED]  
1406 Yes. I'm assuming she called because she said, "I've been calling and calling,"  
1407 and I ended up having a message here.

1408 [REDACTED]  
1409 Sgt. Baer: Oh.

1410 [REDACTED]  
1411 I don't - I don't check these messages very frequently.

1412 [REDACTED]  
1413 Sgt. Baer: 'Cause you don't use it that often.

1414 [REDACTED]  
1415 And I don't, yeah, so...

1416 [REDACTED]  
1417 Sgt. Baer: Do you still have that message?

1418 [REDACTED]  
1419 I felt bad. Um, that's a good question. I could check.

1420 [REDACTED]  
1421 Sgt. Baer: Okay.

1422 [REDACTED]  
1423 Um, I could, it would be, yeah, I could check. I...

1424 [REDACTED]  
1425 Sgt. Baer: Okay.

1426 [REDACTED]  
1427 ...um, but anyway, um, when she, as soon as I did speak with her, um, you  
1428 know, it was after the fact. I think she went over there and got pictures and I -  
1429 I called my attorney, um...

1430 [REDACTED]  
1431 Sgt. Baer: She's the one who took the pictures?

1432 [REDACTED]  
1433 No, I'm sorry. Her brother went with her over there. She called me...

1434 [REDACTED]  
1435 Sgt. Baer: After Josh left?

1436 [REDACTED]  
1437 Yeah, so Josh left.

1438 [REDACTED]  
1439 Sgt. Baer: Okay.

1440

1441 [REDACTED]

1442

1443

1444

1445 Sgt. Baer:

1446

1447 [REDACTED]

1448

1449

1450

1451

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1458

1459

1460

1461

Sgt. Baer: Mm-hm.

1462

1463 [REDACTED]

1464

1465 Sgt. Baer:

1466

1467 [REDACTED]

1468

1469 Sgt. Baer:

1470

1471 [REDACTED]

1472

1473 Sgt. Baer:

1474

1475 [REDACTED]

1476

1477 Sgt. Baer:

1478

1479 [REDACTED]

1480

1481 Sgt. Baer:

1482

1483 [REDACTED]

1484

Um, and she - sh- right, and I said, "Don't go over there, you stay in your house. If Josh comes to your door don't answer your door," 'cause her husband wasn't home.

Sgt. Baer: Mm-hm.

And, um, I think her brother was there but he's a little bit older than her and he has a heart condition and he's just always in his bed. So, um, I just said, "Don't, close your blinds, don't answer your door 'cause if he saw you then, you know, he knows he's - he screwed." And at that point I was trying to think like a police officer, like okay, he's in his own home and he's breaking up my furniture, what are they gonna do? I mean, the police have been called so many times already between Josh and I, what are they gonna do? Um, but at the same time, she's like, "You know, this is what he's doing and that's not his and," you know. So I called my attorney and, um, I just said, just so you know, you know, this is what we're - we've been dealing with. This is, you know, this is he's over there breaking furniture now. So, um, anyway, my attorney just said see if - see if they can go over there and get pictures and, um...

Sgt. Baer: So you called your attorney the day of the incident?

[REDACTED] Yeah, and I no longer have this attorney.

Sgt. Baer: Mm-hm.

[REDACTED] But he - he seemed to think that was a big deal, too, and we were gonna...

Sgt. Baer: What's his name?

[REDACTED] Ah, ([REDACTED]).

Sgt. Baer: And if we wanted to speak to him would you give him, ah...

[REDACTED] Um, I would, it'll probably cost me \$400 for the 10 minutes...

Sgt. Baer: Really?

[REDACTED] ...that you talk to him and, um...

Sgt. Baer: Okay.

[REDACTED] ...yeah, I - I'm not pleased with him as an attorney on other levels but, um, but yeah.

1485

1486 Sgt. Baer:

You would be all right with that, though?

1487

1488 [REDACTED]

Yeah.

1489

1490 Sgt. Baer:

Okay.

1491

1492 [REDACTED]

Um, so anyway, ah, when her husband came home she went over there, took pictures.

1493

1494

1495 Sgt. Baer:

Mm-hm.

1496

1497 [REDACTED]

Um, and well, I think her brother, the one with the heart condition, took the pictures 'cause he's a little more savvy, she's, you know, kind of just has one of those flip phones, I think and...

1498

1499 Sgt. Baer:

Mm-hm.

1500

1501 Sgt. Baer:

Anyway, he took pictures and, um, and sent them to me and then, um, you know, she was just like adamant that I should call the police and make a report and I just said, you know, I, ah, it sucks, I, and we're not here, you're not here to talk about all the other things that he's done. He's done so much that I - I, it's almost like I'm a little bit numb to, I - I mean, what can I do, you know? So at that point I - I told her, you know, it's good to have the pictures, you know, I don't know if he saw you, I know that, you know, you should be a little intimidated if he did, um, so we'll just kind of leave it alone for a while. Well, I then found out, um, when we went to court on August 24th, um, it was just like a temporary hearing date and it was mostly about child custody and about the house, he wanted exclusive use to the house. Um, so when we went on - on the 24th, the issue of the house came up and he said, you know, um, we were talking about the exclusive use and he said, "You know, she maliciously went over there, broke the locks off the door, went in and broke all the furniture." Well first off, I told you about the lock, all I did was remove the lock. I kept the two screws, I put it back on, like I said, myself, later. It really took me 30 seconds. Um, so I'm only saying that to say I - I heard that but what I focused in on was I, and I broke up furniture or something to that effect. He was working on getting a police report about the damage and I - I was like damage, um, and I begged my attorney to bring up the furniture at that point and just said no.

1502

1503 [REDACTED]

What date was your court date?

1504

1505 [REDACTED]

August 24th.

1506

1507 [REDACTED]

Go ahead, I'm sorry.

1508

1509 [REDACTED]

1510

1511 [REDACTED]

1512

1513 [REDACTED]

1514

1515 [REDACTED]

1516

1517 [REDACTED]

1518

1519 [REDACTED]

1520

1521 [REDACTED]

1522

1523 [REDACTED]

1524

1525 Sgt. Baer:

1526 [REDACTED]

1527

1528 [REDACTED]

1529 Sgt. Baer:

1530  
1531 [REDACTED]  
1532  
1533  
1534  
1535  
1536  
1537  
1538  
1539  
1540  
1541  
1542  
1543  
1544  
1545  
1546  
1547 Sgt. Baer:  
1548 [REDACTED]  
1549  
1550  
1551  
1552  
1553  
1554  
1555 Sgt. Baer:  
1556  
1557 [REDACTED]  
1558  
1559 Dep. Tucker:  
1560  
1561 Sgt. Baer:  
1562  
1563 [REDACTED]  
1564  
1565 Dep. Tucker:  
1566  
1567 Sgt. Baer:  
1568  
1569 [REDACTED]  
1570  
1571 Dep. Tucker:  
1572  
1573 [REDACTED]  
1574

Okay, and so anyway, um, so it made me, it alerted me when he said, "I'm - I'm working on getting a copy of the police report." I was like, "Okay, so what would the police report say," you know? So it - it led me to believe that he may have filed a police report about the furniture and not so much about, you know, someone breaking the locks or whatever. And mind you, all of the - the house was completely secured, just to put aside any thoughts, um, aside from someone else having access or going into the house. This neighbor was going to purchase this furniture. This was something she wanted, she didn't have any desire to break anything ever, I totally trust her. As a matter of fact, when we've gone out of town before I've given her, um, you know, she's had the code to my garage in the event, you know, there was an emergency or she needed to check on something for us. Totally trust this person. Um, and that side door to my garage to get into the house, that was locked, I made sure that was locked before I left the house, um, and my neighbor, I - I think attested to that in her thing 'cause she was with me when I locked up and drove off.

Mm-hm.

Um, anyway, so - so my concern that he filed a police report that somebody broke in was, you know, really concerning. We live in a gated community, by the way. You can't get past the gate without being let in. I think that's a delivery. Without being let in or, um, if you don't - I think I might need to sign for the delivery. It's (unintelligible).

I'm gonna shut the tape off.

I'm sorry.

Pause the tape?

I need to use the restroom.

Oh, okay. Never mind, it's okay. It's just a box.

Do you wanna take a?

Yeah, that's fine.

Okay, um, so I, um, so I was saying...

Trustworthy neighbor.

Trustworthy neighbor.

1575 Sgt. Baer: You had locked up...

1576

1577 Dep. Tucker: Locked up...

1578

1579 [REDACTED] Oh, so then I - I got concerned about this police report but...

1580

1581 Sgt. Baer: Mm-hm.

1582

1583 [REDACTED] So I went down to Contra Costa County and I, um, said, "I think a police report may have been filed at, you know, at my property and I - I need to know if there was, in fact, one and what it was about." And, um, unfortunately, due to some code they can't give you a copy of the police report...

1584

1585

1586

1587

1588

1589 Sgt. Baer: Yeah, they have what they gave you...

1590

1591 [REDACTED] ...the civil, right. So I got that summary, um, and in the summary it clearly says that, um, you know, somebody came in and broke the locks and broke the furniture and I think it was inaccurate, too, it, on how many chairs that were broken or whatever. But my point being he suspected it was me that did it. Um, in addition, um, he returns to the house shortly after that and took my 4-year-old son, who is a whole nother issue, psychologically this is really challenging and he's been fed a lot of, you know, negative things, um, about me, but he took my child there and, um, showed him the furniture and said, "Look at what your mom did." And, um, so again, did he break a law with that?

1592

1593

1594

1595

1596

1597

1598

1599

1600

1601

1602 Sgt. Baer: How do you know he did that?

1603

1604 [REDACTED] Because my son came and told me.

1605

1606 Sgt. Baer: Okay.

1607

1608 [REDACTED] He came, when I - when, ah, the custody was returned on my custody time to me I, um, he said, "How could you do that? How could you go break up your furniture?" Well key words, my furniture. One, my mom and dad, it was not, it didn't belong to Josh by any means, it's complete separate property that I had had prior to us even being married. Um, anyway, um, the part that was it right that he broke the furniture? No. But the ethical issue is the fact that he went and filed, right after he did this apparently, um, 'cause I didn't even, a- a-he - he called the police that same day. My neighbor didn't know that, nor did I. And, um, so I'm assuming right after this happened he called the police, um, and because she was kind of secluded in her house and, um, you know, because had she known the police were out there I'm sure she would have run out and said what she had to say and felt a little more protected that they -

1609

1610

1611

1612

1613

1614

1615

1616

1617

1618

1619

1620 they were there. But anyway, I'm assuming they came out to the house and  
1621 they took a report and that's what the summary that I gave you. So, um, my  
1622 neighbor was adamant, you know, she - she was initially like, "You - you,  
1623 that's not right," you know, "There's gotta be something you can do." But she  
1624 was adamant once he filed this police report. You know, she's still, she has a  
1625 lot of respect for law enforcement and she's an older person so when it comes  
1626 to, um, her thought process, she doesn't believe, you know, police officers  
1627 should be able to lie or - or do things unethically. And, um, you know, that  
1628 was me explaining initially about him breaking the furniture, nothing's gonna  
1629 happen. You know, it's, I can't do anything about it but the fact that he filed  
1630 the false police report, she was adamant about sharing this 'cause she just  
1631 thought, you know, um, and [REDACTED]  
1632 [REDACTED]

1633 [REDACTED] I've shared things with her as a result, you know, of this and, um, you  
1634 know, it's just she, even though, is fearful of him, she just thought it was  
1635 important that, um, you know, it be told what he did and, um, and the fact that  
1636 he filed this police report, so.

1637  
1638 Sgt. Baer: Um, what about the theater chairs that were damaged also?

1639 [REDACTED]  
1640 [REDACTED] Oh, yes, so, um, obviously she didn't know that at the time but when they  
1641 came back to take pictures the chairs were kind of separated from each other  
1642 and, um, slashed. I mean, I, to me it looks like they were slashed and she said  
1643 she thought he kicked them but, um, either way, the leather in the back of the  
1644 chairs is broken and, um, that there were - there's pull levers to make them  
1645 recline and I think two of them, two or three still worked but those were all  
1646 broken.  
1647

1648 Sgt. Baer: And [REDACTED] took the pictures of those, also?

1649 [REDACTED]  
1650 [REDACTED] Well, I believe her brother did.

1651  
1652 Sgt. Baer: Ah, right, at the same time as the...

1653 [REDACTED]  
1654 [REDACTED] Yeah, but - but right, at that same time.

1655  
1656 Sgt. Baer: Um, where's that stuff now?

1657 [REDACTED]  
1658 [REDACTED] Um, it's all divided up. Um, I just actually, um, I sold the two good chairs to  
1659 somebody out in Tracy.  
1660

1661 Sgt. Baer: Mm-hm.

1662 [REDACTED]  
1663 [REDACTED] I, um...

1664

## INTERVIEW WITH [REDACTED]

Interviewer: Sgt. Daniel Baer

12-10-14/10:18 am

Case # 14-134

Page 38

1665 Dep. Tucker: Theater chairs or...

1666

1667 [REDACTED] No, I'm sorry.

1668

1669 Dep. Tucker: ...dining room chairs?

1670

1671 [REDACTED] Two dining room chairs, somebody in Tracy. I - I had listed everything as a dining room set initially.

1672

1673

1674 Sgt. Baer: Oh, 'cause you had put it on Craigslist.

1675

1676 [REDACTED] Right.

1677

1678 Sgt. Baer: Okay.

1679

1680 [REDACTED] And then I became part of this Facebook garage sale thing online...

1681

1682 Sgt. Baer: Uh-huh.

1683

1684 [REDACTED] ...and I was selling stuff and then I had to, you know, change it out and put, you know, I have two chairs and this, and he also broke the glass on...

1685

1686

1687 Sgt. Baer: On the hutch?

1688

1689 [REDACTED] ...I had a china hutch, yeah.

1690

1691 Sgt. Baer: Mm-hm.

1692

1693 [REDACTED] And, um, anyway, so I - I sold the parts to different people, um, and I - I just I, the only thing I have left is the table and I just moved that yesterday or, I'm sorry...

1694

1695

1696

1697 Sgt. Baer: Mm-hm.

1698

1699 [REDACTED] ...the day before.

1700

1701 Sgt. Baer: Did you ever, you never had a conversation with Josh about it?

1702

1703 [REDACTED] Oh, I did.

1704

1705 Sgt. Baer: What, how did that go?

1706

1707 [REDACTED] I did, um, and so I'm - I must have had, let me think if I - because I know this doesn't answer your question but with, um, 'cause something in our

1708

1709 conversation prompted me to get that report but I've - I felt like I had that  
1710 conversation once I had that summary, but, um...

1711  
1712 Sgt. Baer: Mm-hm.

1713 [REDACTED]  
1714 ...but yes, I - I said, "Josh," um, I - I specifically told him and I may have  
1715 recorded this conversation so I'll see, but, um, I specifically said, you know,  
1716 "Listen, all this other stuff aside," 'cause he was being very vindictive on other  
1717 things, and I said, "I'm not gonna pursue anything about that furniture  
1718 situation, um, but, um, you need to make it right and you need to pay me back  
1719 for the furniture and you need to..."

1720  
1721 Sgt. Baer: He did?

1722 [REDACTED]  
1723 "...clean up the mess that you made." I'm sorry?

1724  
1725 Sgt. Baer: Oh, you - did he pay you back?

1726 [REDACTED]  
1727 No.

1728  
1729 Sgt. Baer: I thought you'd said he did pay you back.

1730 [REDACTED]  
1731 N- no, I - I said the furniture that you...

1732  
1733 Sgt. Baer: Okay.

1734 [REDACTED]  
1735 ...um, you know, you broke. And he said, ah, "You shouldn't have broke the  
1736 locks," or something and left the house for someone to get into. Um, you  
1737 know, I don't remember. I - I - I'm that, I think I have this conversation  
1738 recorded and so it'd probably be good...

1739  
1740 Sgt. Baer: Did he admit to breaking the furniture?

1741 [REDACTED]  
1742 No. No, he didn't admit or anything, um, or deny it, necessarily, but I just  
1743 said, um, "So you'd be okay with me contacting [REDACTED] because, Josh, you  
1744 filed a false police report." I said, "And my neighbor," I didn't say my  
1745 neighbor, sorry, I said, "And somebody saw you. So you need to, um, you  
1746 know, you need to make that right, Josh." And everything I ever say to him is  
1747 like I don't give a fuck, do whatever.

1748  
1749 Sgt. Baer: Okay. All right, did the police ever contact you?

1750 [REDACTED]  
1751 No, no.

1752

## INTERVIEW WITH [REDACTED]

Interviewer: Sgt. Daniel Baer

12-10-14/10:18 am

Case # 14-134

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1753 Dep. Tucker: I have something about this. Um, what is his relationship with your neighbor?  
1754 What's - what's his relationship like with, um...

1755

1756 Sgt. Baer: [REDACTED]

1757

1758 Dep. Tucker: ...[REDACTED]

1759

1760 [REDACTED] Just...

1761

1762 Dep. Tucker: Like did he trust her, did he like her?

1763

1764 [REDACTED] Um, no, I mean, he was - he just didn't really talk to any of our neighbors  
1765 much, he was very secluded. I mean, like you know, he was always at work.  
1766 Always work, at least always gone. Um, he was very rarely around and when  
1767 he was it was, you know, dark out in the morning or dark out at night and, um,  
1768 they did know each other. Yes, if they saw each other they would say hello,  
1769 um...

1770

1771 Dep. Tucker: But would he have an, ah, like was he okay that she had the access code into  
1772 your garage?

1773

1774 [REDACTED] Um, yeah, I mean, I don't know that he even knows that she - you mean like...

1775

1776 Dep. Tucker: When you guys went on vacation...

1777

1778 [REDACTED] ...prior to this?

1779

1780 Dep. Tucker: ...and all that. Yeah, yeah, yeah.

1781

1782 [REDACTED] Um...

1783

1784 Dep. Tucker: Like is he gonna - is he gonna tell us like no, her and [REDACTED] are concocting this  
1785 story against me?

1786

1787 [REDACTED] No, I don't know that sh- he knows she had our code but I mean, I've had her,  
1788 um, you know, I've called her for several things before and as far as that  
1789 stuff...

1790

1791 Dep. Tucker: I'm just trying to get his - his...

1792

1793 [REDACTED] Yeah.

1794

1795 Dep. Tucker: ...relationship with her.

1796

1797 [REDACTED] Oh, oh yeah, he, no, listen...

1798

1799 Dep. Tucker: He never had any funk with her, though?

1800

1801 [REDACTED] Um, no, other than if he saw her.

1802

1803 Dep. Tucker: Okay.

1804

1805 [REDACTED] I mean, and - and I - I - I really feel like he did. I feel like, you know, I - I don't know, I feel like he did and that maybe she's afraid to say something.

1806

1807 [REDACTED] Okay, I just wanted to get that picture of if he's being, ah, you know, if he would say like oh, the neighbor, she's crazy, she's making this up...

1808

1809 [REDACTED] Oh, like they have some history where they...

1810

1811 [REDACTED] Like they had funk.

1812

1813 Dep. Tucker: [REDACTED]

1814

1815 [REDACTED]

1816 [REDACTED]

1817 [REDACTED]

1818 [REDACTED]

1819 [REDACTED]

1820 [REDACTED]

1821

1822 Dep. Tucker: Yeah. So is he gonna, um, tell us - did you - have you ever broken anything in the house?

1823

1824 [REDACTED] No.

1825

1826 Dep. Tucker: Okay.

1827

1828 [REDACTED] No.

1829

1830 Dep. Tucker: Um, or done anything malicious?

1831

1832 [REDACTED] No, no.

1833

1834 Dep. Tucker: All right. So what do you think he's gonna tell us about, um, the - the filing of the false police report?

1835

1836 [REDACTED] He - he's just gonna say he didn't do it. He's gonna say I came in, he's gonna - and, um, you know, whoever, whichever one of you is there or present, I mean, a- again, I don't really know how this all works or who determines what but, I - I mean, obviously we're all trained to read people but if you just - you just listen to him, he's gonna have, um, the - you're - you're gonna hear not so

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1842

INTERVIEW WITH [REDACTED]

Interviewer: Sgt. Daniel Baer

12-10-14/10:18 am

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1848

much the conversation about the furniture, he's gonna be bitter that I was able to get in the house. Like I bypassed his attempt to inconvenience me, that's what the focus will be and, um, I don't think he will really address even denial of - he'll just say, well, she shouldn't have done that so someone broke in and, you know? But yeah, I - I - I don't know. I - I don't think he's going to be honest about any of this, I know his character very well and I just, um...

2023  
2024 [REDACTED] ...because of the he went to get lunches.  
2025  
2026 Dep. Tucker: So day shift?  
2027  
2028 [REDACTED] Yeah. Yeah, but I know that, you know, [REDACTED] worked frequently during  
2029 the day, overtime, too, so I'm not sure.  
2030  
2031 Dep. Tucker: So I just have one final follow up. Do you still have more, Dan?  
2032  
2033 Sgt. Baer: Mm-hm.  
2034  
2035 Dep. Tucker: You're good? Okay, so, um, you know, at times, um, ah, when things civilly  
2036 are going bad amongst families we know that people can become, um, angry  
2037 and try and, ah, make somebody else look bad or whatever. So what - what is  
2038 the purpose of you bringing this forward to Internal Affairs?  
2039  
2040 [REDACTED] Um, to be honest with you, I just - I - I know he's an unethical person. I know  
2041 I look like an idiot because I married him for - for maybe not to you or  
2042 whatever, but to myself I - I know I made some bad judgment calls. But, um,  
2043 I just - I believe he gets away with a lot of stuff at work that he shouldn't be  
2044 doing and, um, when I say get away with, it's not like oh, I want him to pay  
2045 for it or anything but I just really believe he's gonna bring bad light on this  
2046 department. I - I used to be very concerned that we'd get sued, I know, um,  
2047 you know, I've heard him actively at work while I've, you know, been on the  
2048 phone and if he sees someone and he's determined they're going to jail for  
2049 some reason, you know, and, um, I just think he doesn't have any ethics out  
2050 there. I don't think morally he, um, follows the proper procedures. Um, I feel  
2051 like he's above the law and, um, I - I just - I really am concerned for how far  
2052 he takes his, um, authority.  
2053  
2054 Dep. Tucker: Okay, do you have anything to gain by him, if - if this were to result in any  
2055 kind of discipline, would you have anything to gain or?  
2056  
2057 [REDACTED] Oh, I'm totally losing. I'm losing 100%. Um, first off, I'm very scared of  
2058 Josh, I know what he's capable of. Um, there's a lot of psychological fear that  
2059 he's placed in my mind. Um, you know, that's on a whole nother topic. Um,  
2060 but it's definitely worked and I - I'm - I'm very fearful but that once he knows  
2061 that I came forward with some of this information, um, you know, I - I don't  
2062 know what he would do. But, um, but I also, I'm entitled to, through this  
2063 divorce, spousal support and child support. I haven't filed for any of those yet  
2064 but I've, I mean, the attorney's already ran everything and told me I should be  
2065 - I should have already been getting it but I know that, you know, if his job's  
2066 affected, not only will I forego, forfeit that, but potentially, I could end up  
2067 having to pay him, you know, if - if we still remain on the same custody issue.

2068 So but I mean, from 2010, this stuff hasn't sat right with me, you know? And,  
2069 um, I - I mean, I'm - I've already answered your question, I think and I'm - I  
2070 know I'm elaborating a little bit further but I just wanted to say like there's  
2071 really two sides to him and I am, again, through text messages and stuff I'm  
2072 not just being sarcastic or just trying to be this, you know, "bitchy wife," I  
2073 really had some concerns for him being bi-polar. And, um, and I mean, really,  
2074 I justify that's why, you know, I was even able to marry him and overlook  
2075 these things because there's just really two different people that I dealt with.  
2076 Um, so - so yes, I have a lot to lose. I really don't have anything to gain but I  
2077 just, it - I just feel like I've laid here many nights and I wanted, I just wanna  
2078 do what's right and, um, I don't think any of these things were one time things.  
2079 I - I know there are - there are other things and there's a lot of other things that  
2080 I could sit here and tell you guys about but because I don't have evidence it'd  
2081 just be a waste of everybody's time. But, um, if I could just give you a look  
2082 inside to his character and what he's capable of is what I was mainly  
2083 concerned with.

2084

2085 Sgt. Baer: Okay, so prior to, ah, ending the tape, ah, I'm just gonna ask that you check  
2086 and see if you have that voicemail message from [REDACTED]

2087

2088 [REDACTED] Oh, okay, okay.

2089

2090 Sgt. Baer: Um...

2091

2092 [REDACTED] Yeah. Let me...

2093

2094 Sgt. Baer: And you can, I'm gonna end the tape.

2095

2096 [REDACTED] Okay.

2097

2098 Sgt. Baer: Um, afterwards.

2099

2100

2101 [REDACTED] Okay, perfect. Do you want me to run up and check now? It's in...

2102

2103 Sgt. Baer: Sure.

2104

2105

2106 [REDACTED] Okay.

2107

2108 Sgt. Baer: And it's 11:51.

2109

2110

2111 [REDACTED] Okay.

2112